

RESOLUTION NO. RS2018-1504 (O'CONNELL & BEDNE) - This resolution would authorize BOP Next Nashville LLC c/o RAM Partners LLC to construct, install, and maintain an aerial encroachment at 501 5th Avenue South. The encroachment would consist of a projecting sign measuring 23.6 feet wide and 52 inches tall.

The applicant must indemnify the Metropolitan Government from all claims in connection with the construction and maintenance of the sign, and is required to provide a \$2 million certificate of public liability insurance with the Metropolitan Clerk naming the Metropolitan Government as an insured party. The applicant must also hold the Metropolitan Government harmless from all claims connected with the installation.

Metropolitan Government retains the right to pass resolutions or ordinances regulating the use of surrounding streets, including the right to construct and maintain utilities, and to order the relocation of facilities at the expense of the applicant. Metro further retains the right to repeal approval of the encroachment without liability.

Plans for the encroachment must be submitted to the Director of Public Works for approval, along with all work and materials; and the installation, when completed, must be approved by the Director.

The sign's construction must be carefully guarded and must be completed promptly, so as to cause the least inconvenience to the public.

During previous committee discussion, concern was expressed that the projecting sign's design states in part: "Powered by AirBnB." Metro Code provisions regulating short term rental properties do adopt signage regulation. But those provisions merely subject STRP signage to Chapter 17.32 (sign regulations) generally. The sign regulations differ based on zoning districts, but none would be violated merely by virtue of a reference to "AirBnB."

This proposal has been approved by the Planning Commission.